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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/646,071

08/22/2003

Steven A. Deal

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11/14/2006

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EXAMINER

DUNHAM, JASON B

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,071

Applicant(s)

DEAL, STEVEN A.

Examiner

Jason B. Dunham

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claims 1,8,11,17,22,23, and 26 were amended in the response filed September 8, 2006.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney (U.S. Patent No. 6,381,583) in view of Pavlik (U.S. Patent Application Publication No. 2002/0035512)

Referring to claim 1. The combination of Kenney and Pavlik discloses a merchandise locating system, the system comprising:

- A display configured to present a graphical mapped image of an environment where merchandise is used (Pavlik: abstract, figures 11-12);
- An input module configured to accept user inputs (Kenney: column 1, line 66 – column 2, line 12); and
- A user accessible computer coupled to the display and the input module, and configured to determine a portion of the graphical mapped image corresponding

to the user input and to control the display to present a lower level graphical image of the environment where merchandise is used corresponding to the determined portion of the graphical mapped image, the user accessible computer further configured to receive an input from the input module indicating a user selected portion of the lower level graphical image corresponding to a particular desired merchandise item and to determine a location in a store of the desired merchandise item (Pavlik: abstract, figures 11-12, paragraphs 52-53).

Kenney discloses all of the above but does not expressly disclose an image of the merchandise where it would be used. Kenney discloses a system of determining a location in a store of desired merchandise (Kenney: column 2, lines 25-65). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the system of Kenney to have included a graphical image of the environment where the merchandise is used, as taught by Pavlik, in order to allow the customer to see visual suggestions for areas in a home (Pavlik: figure 11 and paragraph 53).

Referring to claim 2. The combination of Kenney and Pavlik further discloses a system comprising an output module coupled to the user accessible computer, and configured to provide an output identifying the location in the store of the desired item (Kenney: figure 10b).

Referring to claim 5. The combination of Kenney and Pavlik further discloses a system comprising:

- A network coupled to the user accessible computer (Kenney: figure 2);

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- A database (Kenney: column 1, line 66 – column 2, line 12); and
- A back-end computer coupled to the network and the database, and configured to receive an identity of the portion of the graphical mapped image from the user accessible computer and retrieve from the database the lower level graphical image, the back-end computer communicating the lower level graphical image to the user accessible computer using the network (Kenney: figures 2 & 8).

Referring to claim 6. The combination of Kenney and Pavlik further discloses a system wherein the display comprises a device selected from the group consisting of a monitor, a CRT, an LCD, a touch panel, and a projection screen (Kenney: column 6, line 60 – column 7, line 29).

Referring to claim 7. The combination of Kenney and Pavlik further discloses a system wherein the input module comprises a device selected from the group consisting of a keyboard, a mouse, a touch pad, a joystick, a track ball, a pointer, and a pen (Kenney: column 6, line 60 – column 7, line 29).

Claims 3-4 and 8-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kenney and Pavlik in view of Hoffman (U.S. Patent Application Publication No. 2002/0178013).

Referring to claims 3-4. The combination of Kenney and Pavlik discloses all of the above but does not expressly disclose generating and outputting a hard copy of a map identifying the location of an item in a store. Hoffman discloses a merchandise locating system wherein the user accessible computer is configured to generate a map identifying the location in the store of the item (Hoffman: abstract), and wherein the

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display present an image of the map to the user (Hoffman: paragraph 25) or the output module outputs a hardcopy of the map (Hoffman: paragraph 25). It would have obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the system of Kenney/Pavlik to have included generating and outputting a hard copy of a map identifying the location of an item in a store, as taught by Hoffman, in order to better guide a customer to the location of a specific product (Hoffman: abstract).

Referring to claims 8-9. Claims 8-9 are rejected under the same rationale set forth above.

Referring to claim 10. The combination of Kenney/Pavlik and Hoffman further discloses a system wherein the means for outputting the map comprises a device selected from the group consisting of a printer, a plotter, and an electronic output device (Hoffman: paragraph 8).

Referring to claims 11-16. Claims 11-16 are rejected under the same rationale set forth above. The combination of Kenney/Pavlik and Hoffman discloses a method according to claims 11-16. The examiner notes that the bedroom depicted in figures 11-12 of Pavlik would be an environment where purchased merchandise is located.

Referring to claim 17. The combination of Kenney/Pavlik and Hoffman further discloses a method of selecting merchandise available in a store, the method comprising:

- Displaying a first graphical mapped image on a display, the first graphical mapped image chosen from a hierarchy of graphical mapped images and

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depicting an environment where at least some of the merchandise is located after purchase by a consumer (Pavlik: figures 11-12);

- Receiving a first user input corresponding to a portion of the first graphical mapped image (Pavlik: figures 11-12);
- Determining a second graphical mapped image from the hierarchy of graphical images based in part on the first user input, the second graphical mapped image corresponding to a detailed image of the portion of the first graphical image (Pavlik: figures 11-12 and paragraphs 52-53);
- Receiving a second user input corresponding to a portion of the second graphical mapped image (Pavlik: figures 11-12 and paragraphs 52-53); and
- Creating a map locating merchandise in a store indicated by the second user input (Hoffman: abstract). It would have obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the system of Kenney/Pavlik to have included generating a map identifying the location of an item in a store, as taught by Hoffman, in order to better guide a customer to the location of a specific product (Hoffman: abstract).

Referring to claims 18-20. Claims 18-20 are rejected under the same rationale set forth above.

Referring to claim 21. The combination of Kenney/Pavlik and Hoffman further discloses a method wherein the identifier comprises a SKU (Hoffman: paragraph 47).

Referring to claims 22-25. Claims 22-25 are rejected under the same rationale set forth above. The examiner notes that Pavlik discloses a mapped image remote to the store in figures 11-12 depicting a bedroom.

Referring to claims 26-27. Claims 26-27 are rejected under the same rationale set forth above. The examiner notes that paragraph 44 of applicant's specification discussing figure 2 displaying a residential lot or kitchen. The combination of Kenney/Pavlik and Hoffman discloses displaying a residential lot image of another room in a home where merchandise is used (Pavlik: figures 11-12).

Response to Arguments

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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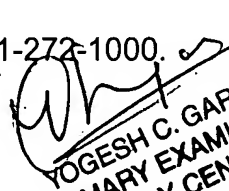
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBD
Patent Examiner
11/3/06


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